

# Minutes

**Meeting:** Board Meeting  
**Date:** 23 October 2013  
**Time:** 09.30 – 15.00  
**Ref:** YJB (13) 5th meeting

## **Attendees**

Frances Done (Chair)	Dusty Kennedy
Amanda Sater (Board member)	Lucy Dawes
Gillian Fairfield (Board member)	Martin Skeats
Rob Butler (Board member)	Karl Mittelstadt
Seamus Oates (Board member)	Laura Baynton
John Wrangham (Board member)	Paul Candler (Ministry of Justice)
David Banks (Board member)	Catherine Worswick (item 13 only)
Angela Sarkis (Board member)	Clive Newsome (items 7 - 11 only)
Christine Davies (Board member)	Carole Oatway (item 8 only)
Bob Reitemeier (Board member)	John Hall (item 8 only)
Lin Hinnigan	David Wells [minutes]

## **Item 1- Apologies and register of interests**

1. Apologies were received from Neil Rhodes. Chris Davies stated that she has been appointed as Chair of the Northamptonshire Children's Improvement Board, and that this ought to be reflected on the register of interests.

**Action: Register of interests to be amended as referenced above.**

## **Item 2 – Minutes of previous meetings and matters arising**

2. The minutes of the previous meeting were agreed, subject to the date at paragraph 7 being amended from 7 October 2012 to 7 October 2013.
3. On the outstanding actions log, it was agreed that item 2 (in relation to reporting to the Secure Accommodation Committee on resettlement) should be closed as this will now be covered with reporting on Transforming Youth Custody. Item 3, on the difference in use between 'good' and 'effective' practice, should also be closed.
4. On action 6, in relation to whistleblowing, it was stated that the YJB needs to be clear on the governance processes for dealing with cases from both internal and external sources. A report to this effect should be put to the Board in December. Thereafter, oversight of the procedures should be by the Audit and Risk Committee. The action on the log should be replaced with the more general action outlined below.  
**Action: Report to be prepared for the December 2013 Board meeting outlining the governance processes for handling whistleblowing cases from both internal and external sources.**
5. On action 7(ii), in relation to committee oversight of safeguarding, it was noted that the Audit and Risk committee will retain responsibility for Board oversight of risks relating to

safeguarding, although the standing report it receives will be less detailed than before and focus on governance. An annual report on the subject will be put to the Board. The action should be closed.

### **Item 3 – Chair’s Items**

6. Frances Done reported that Kathryn Harrison has been appointed as Chair of the Youth Courts Committee at the Magistrates Association, in place of John Bache. Amanda Sater has been appointed as Chair of the Youth Court Issues Group.
7. Frances Done and Chris Davies recently met with Graham Allen MP, Chair of the Early Intervention Foundation. It was agreed that the YJB effective practice division and the Foundation’s evidence group will work together to combine efforts and share effective practice.

### **Item 4 – Chief Executive’s Report**

8. Lin Hinnigan’s written report was noted. Lin stated that in addition to the engagements listed in the paper, she had also had a recent meeting with the Secretary of State to discuss the Transforming Youth Custody programme.
9. Ministers have recently expressed particular interest in (a) resettlement and (b) the levers available to manage poor performance from YOTs. On (b), new ‘YOT Partnership Guidance’ will be formally launched at the Youth Justice Convention. Chris Davies stated that after the convention thought will need to be given as to how the changes are shared with local government. Bob Reitemeier also highlighted the need to look at resource issues.
10. The YJB continues to press NOMS on the issue of ensuring the separation of young people and adults at Hindley YOI. While some services will be shared – including dentistry, chaplaincy and access to GPs - arrangements will be made to ensure access for young people and adults are at separate times. Frances Done stated the situation was still a matter of some concern, and that the sharing of any services in the long term would be unacceptable and a backward step. The establishment should also have a dedicated young people’s lead. Angela Sarkis said that the Secure Accommodation Committee had also discussed the issues and shared this view.
11. A parliamentary inquiry into the operation and effectiveness of the youth courts system was announced on 23 September. The Executive Management Group will discuss the messages the YJB should convey in its evidence. Input from Board members would be welcome.
12. Lin drew attention to paragraph 18 of the report in relation to the Youth Justice Bill that is to be introduced by the Welsh Government (following YJB influencing). The legislation will focus on ensuring that children and young people in the youth justice system have the support and help from the services they need. Frances Done congratulated John Wrangham and Dusty Kennedy on their work in getting the YJB’s views reflected in the Bill.
13. In relation to paragraph 8, on the transfer of the electronic monitoring contract to new suppliers, David Banks asked whether the YJB is satisfied that the service is being sufficiently maintained. Lucy Dawes stated that there are a number of concerns, and that she, the YJB lead and Lin Hinnigan will be meeting shortly to discuss the issues in more detail.

14. Gillian Fairfield stated that the YJB is currently participating in a programme of nine regional events linking the youth justice system with health services, of which she is chairing three. There have been two such events to date, with positive participation and feedback.
15. On the "Forward Plan" that was appended to the report, David Banks asked whether it could provide a look further into the future, as much of the present content had already taken place. Frances Done agreed that the format needed to be reconsidered. Chris Davies stated that she had been in attendance at the local authority Chief Executives and Director of Children's Services event at Feltham in February 2013, which was not recorded on the plan.  
**Action: The format of the 'Forward Look' that is attached to the Chief Executive's report to be reconsidered, including the potential for looking further forwards.**

#### **Item 5 – Minutes of YJB Committee Meetings**

16. Angela Sarkis reported that the Secure Accommodation Committee on 2 October had received a written Deputy Chief Executive's report for the first time which had proved very useful. The Committee was also putting greater thought into agenda planning through the use of a 'forward look'. The Committee is keen to form a closer link with the Community Justice Committee, and had received and reviewed a paper on effective practice in education to that end.
17. David Banks stated that the Audit and Risk Committee has started to give thought to its future operation in light of recent changes to the HM Treasury guidance in its "Audit and Risk Assurance Committee handbook". This will include consideration of a forward plan, and a review of the current competencies of Committee members. The Committee will also produce an annual report to the Board. In terms of specific items, the Committee had agreed to the revised Risk Framework which was being put to the Board today. The Committee had also considered progress against the action plan that had been drawn up following the NAO completion report.
18. John Wrangham stated that the announcement of the Welsh Youth Justice Bill had been made at the recent Welsh Youth Justice Advisory Panel meeting. It was noted that the decision to remove CAHMS mental health services from Parc YOI had been revisited following the various actions taken by the YJB on hearing the news, and that the service had been reinstated several days later.
19. Bob Reitemeier reported that the Community Justice Committee had received an update on the AssetPlus programme, and that developments were going well. The Committee received the first paper in what is to be a standing agenda item on the dissemination of effective practice. The paper will evolve over time, but already demonstrated a large amount of work in this area. The Committee was also updated on the new reducing reoffending programme, which will span a three-year period and consider what can be done nationally and locally to address reoffending.

#### **Item 6 – Remuneration Committee Terms of Reference**

20. Martin Skeats presented the paper which provided revised terms of reference for the Remuneration Committee, following the NAO audit completion report at the end of the last financial year. The main changes involved expanding the Committee membership; giving the Committee oversight of a wider range of remuneration issues, and; a requirement for the Committee to meet at least three times a year. The changes also required a number of associated amendments to the Scheme of Delegation and the YJB Standing Orders.

21. The Board approved the suggested changes. Frances Done stated that the Scheme of Delegation also needed to reflect that appointments to posts reporting to the Chief Executive require Board involvement.

**Action: Scheme of Delegation to be amended to reflect the requirement for the Chair of the Board or her nominee to be consulted and involved in any appointment that reports directly to the Chief Executive.**

#### **Item 7 – Quarterly Performance Report**

22. Clive Newsome presented the regular report. Clive stated that the Executive Management Group had recently considered changes to YJB key actions, and had been asked to bring those suggested changes to the Board. The cover paper therefore contained a list of the actions, proposed changes, and an indication of whether they should continue, stop or be deferred. This position arose as a result of the necessity to divert staff resources to the Transforming Youth Custody programme.

23. Seamus Oates questioned whether the suggestion to stop key action 5 – in relation to developing an enhanced unit at Cookham Wood to support young people with complex needs – was appropriate. Frances Done stated that rather than showing the action as stopped, it ought to be shown as ‘on hold’, in light of the Transforming Youth Custody agenda and proposals for new secure colleges.

24. On key actions 14 and 15, which have now been merged, in relation to revising YOT grant conditions, Lucy Dawes stated that the issue centres around YJB powers and the need to align the grant conditions with performance improvement work. David Banks stated that the YJB should continue to push the case for improved leverage in terms of YOT performance.

25. Angela Sarkis asked what “re-scope and scale back” meant in practice in relation to key action 26, under which the YJB had committed to work with key partners to develop a strategy to reduce the over-representation of specific groups of young people in youth justice. Lin Hinnigan stated that the YJB would be continuing with the action, but focussing on the most important and impactful actions. The same question was asked of key action 25, in relation to evidence-based interventions. Laura Baynton stated that work on the Intensive Supervision and Surveillance Programme will be deferred, but it will happen in time.

26. Clive Newsome reported that the entry in relation to key action 27, on the promotion of restorative justice approaches, has subsequently been amended to “continue” rather than “defer”. In relation to key action 34, on identifying and disseminating effective practice in relation to employment opportunities for young offenders, Frances Done highlighted the individual role Board members can play.

27. Gillian Fairfield asked what was to be “scaled back” in relation to key action 36 on health services. Lin Hinnigan stated that it was just the elements highlighted in the report, and that the work on developing the interface with the Department for Health and health commissioners will continue.

28. On the progress against key actions section of the report, and the entry under key action 4 relating to in-cell telephones, Rob Butler asked whether the YJB has a ‘line-to-take’ on why such facilities are necessary. Lin Hinnigan stated that it was primarily a safeguarding issue, but that she would ensure Rob and Frances Done were given an update of current thinking.

**Action: Rob Butler and Frances Done to be provided with an agreed YJB line on the need for in-cell telephones**

29. On re-offending data, Frances Done suggested that the report should present frequency data as well as the binary rate. Martin Skeats agreed, stating that initial analysis from the reoffending project showed that the binary rate is only presenting a part of the overall picture. Lucy Dawes added that we need to look at volumes as well, and not to focus solely on custody.
30. In relation to the risk section of the report, Frances Done stated that the Executive Management Group will need to think about how to mitigate any risks associated with staff training at Hindley YOI when Minimising and Managing Physical Restraint is rolled-out, given that the site will hold both young people and adults.
31. Chris Davies highlighted the considerable success shown on page 8 of the report in reducing first time entrants over the last few years (from over 100,000 in 2007 to just over 27,000 in 2013). Chris stated that the reduction could not be taken as a given, and that the way to maintain the success was to understand the complexity of work taking place at the local level and continue investing in it.
32. Bob Reitemeier asked whether the risk of increased violence in the secure estate was something that was potential or actual. Frances Done stated that data showed that violence has been increasing in recent years. Seamus Oates stated that the Secure Accommodation Committee had considered the issue at its last meeting and requested more detail.
33. Bob Reitemeier also stated that the report contained so much information that there is a risk that some of the key points are lost amongst all the detail. Frances Done agreed that thought needs to be put in as to the right level of detail contained within the report. Rob Butler stated that the narrative on risks could also be made clearer, with a description along the lines of “..because of X... Y may happen”. Martin Skeats stated that the need to re-write the risk register in a more understandable format has already been agreed.  
**Action: (i) Consideration to be given as to the appropriate level of information to be included in future Quarterly Performance Reports; (ii) consideration to be given to the wording of the risk register in terms of readability/understanding.**
34. John Wrangham asked whether the relationship between levels of education, training and employment and reoffending rates has been analysed. Dusty Kennedy stated that some such analysis had already been conducted in south Wales, and Lucy Dawes stated that it will be considered as part of the three year reoffending project. Martin Skeats warned about conflating cause and effect.

### **Item 8 – Triennial Review Stage 2 Report Update**

35. Carole Oatway, peer reviewer for the triennial review Stage 2 report, and John Hall from the MoJ triennial review team, gave the Board a verbal update on progress with stage 2 of the review.
36. Carole explained that she had looked at the founding legislation as the basis for her report, and acknowledged that the legislative changes brought about in 2000 had complicated the YJB's role. Carole stated that the YJB successfully delivers expertise on the youth justice system, but there was a blurring of responsibilities in some areas, including with the Ministry of Justice sponsorship team. A key recommendation of her report is therefore for the sponsorship of the YJB to pass to the MoJ Arms Length Bodies team. Carole also highlighted the unusual role of Board members in being the body corporate, and suggested that Board members should have a more regular access to Ministers. Furthermore, it is not certain that the template Framework Document which governs the relationship between the MoJ and YJB necessarily fits the YJB model. Finally, the YJB might benefit from more efficient working with the rest of the youth justice

37. The Board welcomed the report and thanked Carole and John for their work.

### **Item 9 – Risk Framework**

38. Clive Newsome presented the paper which provided an overview of proposed amendments to the YJB's risk management framework. Clive stated that the changes were principally aimed at bringing YJB processes in line with the Ministry of Justice. It was noted that the Audit and Risk Committee had already reviewed the changes and approved them, subject to further discussion at the Board. In particular, the Board was asked to confirm that it was content with the "risk appetite" expressed within the framework.

39. John Wrangham stated that the framework made no reference to the Welsh Youth Justice Advisory Panel's (WYJAP) role in relation to risk. Martin Skeats stated that the fact that WYJAP is not exclusively a YJB panel gave it a different role in relation to how risk is managed compared to the other YJB committees. Frances Done stated that if John, Dusty Kennedy and the Panel felt it appropriate to review YJB risks then they needed to consider how that is best achieved. Dusty stated that in practice some risks are discussed at the Panel, and that this should be described in the framework.

**Action: Dusty Kennedy to consider WYJAP's role in relation to risk management, and how this is reflected in the revised risk management framework.**

40. Notwithstanding the comments in paragraph 39 above, the Board agreed to the revised framework. It was noted that the annual risk discussion will take place at the Board meeting in December, and that the Executive Management Group has been asked to form a view over the timing and relationship of its review of risk and that of the Board.

### **Item 10 – YJB Major Contracts**

41. Martin Skeats presented the paper which informed the Board on the operation of significant contracts (those in excess of £1m per annum, or where the performance may have a significant impact on the reputation or good standing of the YJB).

42. The Board welcomed the paper and noted the contents. It agreed that the report should be a standing agenda item, and that a further annex should be added to the next version showing contracts that were coming up.

**Action: The paper to become a standing agenda item, and to include information about upcoming contracts.**

43. Frances Done stated that decisions from the Board will be required in relation to upcoming secure estate contracts, and that the timing of those decisions may not fit with the schedule of Board meeting dates. If so, a special meeting may be required outside of the agreed schedule.

43. Gillian Fairfield stated that in relation to paragraph 2.6 of the report, in relation to healthcare in Secure Training Centres, that there was a need to ensure that the contractors have the correct governance procedures in place. In relation to paragraph 2.7, on secure escort contract compliance, Frances Done stated that it would be expected that such contracts would contain performance penalties.

### **Item 11 – YJB Corporate and Business Plan 2014-17**

44. The paper sought the Board's approval to the proposed approach for corporate and business planning for 2014-17. Clive Newsome stated that the YJB will be looking to learn lessons from last year's process, and in particular the need to give more time for consultation with other government departments.
45. The Board agreed to the proposed approach. Frances Done stated that the Board's view on the priorities for the period were clear given the discussion earlier on in the meeting under item 7. The Board would look to the Executive Management Group to link in any other areas of work. Lin Hinnigan stated that she is keen for the plan to be focussed on outputs, and expressed in terms of what will be delivered.
46. Frances Done stated that she is looking for the best date for another visit by Ministers to the Board, and that the meeting in February 2014 appeared to be the most likely time at present. It is hoped it will become an annual occurrence.

#### **Item 12 – Triennial Review Stage One Recommendations – Progress**

47. The paper presented the Board with an overview of the actions that are planned in response to the Triennial Review – Stage 1 recommendations. There are 14 recommendations, twelve of which have been accepted, one rejected, and one of which is for the MoJ rather than YJB to address.
48. Martin Skeats suggested that a formal response to the whole Triennial Review report should be made by the Board. Frances Done agreed, stating that the response will be signed-off at the next meeting in December.  
**Action: A response to the Triennial Review report to be provided to the Board at its meeting in December 2013 for agreement.**

#### **Item 13 – Communications Strategy**

49. Catherine Worswick presented the Board with a draft YJB communications strategy for approval. The strategy outlines the high level principles the YJB will adopt in communicating with our audiences, and the stakeholders with who we are engaging. The Board gave its approval to the draft, and suggested that a positive, child-focussed strap-line needed to be developed. The Board then undertook a workshop, led by Catherine, considering in more detail questions about the key stakeholders the YJB should be targeting.

#### **Item 14 – Proposed Restructure**

50. The Board received a report from the Chief Executive about a proposed restructuring of the senior management structure. Lin Hinnigan explained they key driver for the restructure – namely the need to integrate better the community and secure elements of YJB operations; the future shape of shared services, and; the pressures on the YJB's budget. The restructure would be the first stage of a wider reorganisation of the staff structure.
51. The Board approved the proposed interim and longer term structure which would be subject to consultation prior to final consideration of proposals at the December Board meeting.

#### **Item 15 – Any Other Business**

52. The Board expressed its appreciation to Claire McPherson who is leaving the YJB after more than ten years. The Board thanked Claire for all her work and wished her the best on her future endeavours.

**David Wells**  
**YJB Corporate Governance**  
**7 November 2013**